

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1-2 and 4-15 are now pending in this application.

Applicant wishes to thank the Examiner for the careful consideration given to the claims.

Specification

An objection has been made in relation to the abstract because it includes legal phraseology and to the specification for minor grammatical errors. The abstract and specification have been amended to correct these minor issues. For at least this reason, favorable reconsideration of the objection is respectfully requested.

Rejection of claims 3-5, 7, and 9 based on 35 U.S.C. 112

Claims 3-5, 7, and 9 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. For at least the following reasons, this rejection is traversed.

Claim 3 has been canceled, which renders the rejection of this claim moot.

Claim 5 has been amended to depend from claim 1.

Claim 9 has been amended to remove the features “the component.”

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Rejection of claims 1-5 and 7-9 based on Delling

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent 5,775,777 (“Delling”). For at least the following reasons, this rejection is traversed.

Claim 1 (as amended) recites, among other things, a device for fixing a headrest for a vehicle, the device comprising: at least one fixing bar having a longitudinal extent and being displaceable relative to the device in a first direction aligned parallel to its longitudinal extent; and a tolerance compensation member contacting the fixing bar. The tolerance compensation member is displaceable in relation to the device in a second direction aligned perpendicularly to the first direction. The tolerance compensation member is configured such that movement

of the tolerance compensation member in the second direction is counter to only a frictional force of the device acting on the tolerance compensation member.

Delling does not teach or suggest this combination of features. For instance, Delling does not teach or suggest that the tolerance compensation member is configured such that movement of the tolerance compensation member in the second direction is counter to only a frictional force of the device acting on the tolerance compensation member. The Office Action states that Delling discloses that a movement of the retaining member 26 of Delling in the second direction is possible only counter to a frictional force between the retaining member 26 and the housing 22. (Page 4 of the Office Action.) However, the retaining member 26 of Delling is configured such that its movement is counter to the spring force of the spring members 40 of Delling, (Column 4, line 50 to column 5, line 20 of Delling) and not only to a frictional force acting on the retaining member 26. Because the retaining member 26 of Delling is not configured such that movement of the retaining member in the second direction is counter to only a frictional force acting on the retaining member, claim 1 is allowable over Delling.

Claims 2, 4-5 and 7-9 depend from and contain all the features of claim 1, and are allowable for the same reasons as claim 1, without regard to the further patentable features contained therein.

Claim 3 has been canceled, which renders the rejection of this claim moot.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Rejection of claims 1, 5-6, and 8 based on FR '808

Claims 1, 5-6, and 8 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by FR 2 823 808 ("FR '808"). For at least the following reasons, this rejection is traversed.

Claim 1 (as amended) recites, among other things, a device for fixing a headrest for a vehicle, the device comprising: at least one fixing bar having a longitudinal extent and being displaceable relative to the device in a first direction aligned parallel to its longitudinal extent; and a tolerance compensation member contacting the fixing bar. The tolerance compensation member is displaceable in relation to the device in a second direction aligned perpendicularly

to the first direction. The tolerance compensation member is configured such that movement of the tolerance compensation member in the second direction is counter to only a frictional force of the device acting on the tolerance compensation member.

FR '808 does not teach or suggest this combination of features. For instance, FR '808 does not teach or suggest that the tolerance compensation member is configured such that movement of the tolerance compensation member in the second direction is counter to only a frictional force of the device acting on the tolerance compensation member. The Office Action states that the elements 3 and 18 are considered to be the tolerance compensation member of claim 1. (Page 4 of the Office Action.) However, FR '808 does not teach or suggest that the elements 3 and 18 move in a direction that is counter to only a frictional force acting on these two elements. Because the elements 3 and 18 of FR '808 are not so configured, claim 1 is allowable over FR '808.

Claims 5-6 and 8 depend from and contain all the features of claim 1, and are allowable for the same reasons as claim 1, without regard to the further patentable features contained therein.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Allowability of claims 10-15

Claims 10-15 depend from and contain all the features of claim 1, and are allowable for the same reasons as claim 1, without regard to the further patentable features contained therein. For at least these reasons, allowance of claims 10-15 is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected

or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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